

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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June 5, 2023

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

**Re: United States v. Nesar Mohammed (a/k/a Haji Najibullah)
(S2) 14 Cr. 401 (KPF)**

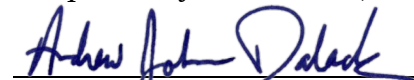
Dear Judge Failla:

We write with respect to the Rule 12 motion schedule in the above-captioned case. Currently, Mr. Mohammed's Rule 12 motions are due on June 5, 2023. Given the pendency of Mr. Mohammed's motion to compel and the upcoming June 30, 2023, conference regarding that motion, however, the defense respectfully submits the following modified Rule 12 schedule:

- Defense omnibus Rule 12 motion and memoranda in support due Friday, July 28, 2023;
- Government responses in opposition due September 29, 2023; and
- Defense replies (if any) due October 13, 2023.

The Government does not object to this application. The parties further note that a status conference regarding the Rule 12 motions is scheduled for October 12, 2023, at 10:00a.m. The parties would still be able to meet on that date to discuss the scheduling of any evidentiary hearings and/or oral arguments on the Rule 12 motions, notwithstanding the modified schedule proposed above.

Respectfully Submitted,



Andrew John Dalack
Mark B. Gombiner
Samuel I. Jacobson
Ariel C. Werner

Cc: Government Counsel

Application GRANTED. Additionally, the conference regarding the Rule 12 motions presently scheduled for October 12, 2023, is hereby ADJOURNED to **December 14, 2023, at 11:00 a.m.**

The Clerk of Court is directed to terminate the pending motion at docket number 88.

Dated: June 5, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE